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**MINUTES FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION
HELD AT 6:00 P.M., THURSDAY EVENING, FEBRUARY 23, 2006
CITY COUNCIL CHAMBERS, #2 CIVIC CENTER PLAZA – 2ND FLOOR**

MEMBERS PRESENT: Boureslan, Ali
 Ellis, William - Chair
 Gezelius, Ken
 Graham, Elijah
 Martinez, Ramy
 Peña, Andrew
 Ruck, Lance
 Scott, Valerie

MEMBERS ABSENT: Schwartz, Elma

The meeting convened at 6:05 p.m. with 8 Commissioners present and Chair Ellis presiding.

Chair Ellis thanked Commissioner Martinez for serving on the Commission as tonight was his last meeting. Commissioner Martinez was presented with an appreciation plaque for his three years of service on the Commission.

Items 1, 2B, 2C, 2F-2, 2F-3, 2H, 2I and 12 were addressed at the beginning of the Regular Agenda and there was a correction to Item 2F-6.

MOTION TO APPROVE THE CONSENT AGENDA WITH THE MODIFICATIONS MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

CONSENT AGENDA

1. Discussion and Action on Approval of Minutes:

February 9, 2006

MOTION TO APPROVE ITEM 1 AS CORRECTED MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

2. Discussion and Action on Approval of Contracts:

- A. Personal Services Contract with Rozanna Mendoza to perform the duties of Executive Assistant to the City Manager from March 7, 2006 through March 6, 2007, for the City Manager's Office.

- B. Personal Services Contract with Leila Melendez to perform the duties of Assistant to the Economic Development Director from February 28, 2006 through February 27, 2007, for Economic Development.

Commissioner Gezelius stated that when he sees a renewal of a contract he wonders why it is a contract position and not a classified position. He said that if the reasons were explained in the comments portion of the contract request it would be very helpful and he wouldn't have all these questions at the meeting.

Ms. Wilson assured them that those notations would be appropriately addressed in the future. She also stated that all Economic Development positions were contract positions. She told the Commission that they would be receiving a contract policy soon.

MOTION TO APPROVE ITEM 2B MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER PEÑA AND UNANIMOUSLY PASSED.

- C. Personal Services Contract with Edgar Marrufo to perform the duties of Construction Inspector from February 27, 2006 through February 26, 2007, for the Engineering Department.

Commissioner Gezelius asked if this position was a classified position.

Ms. Thomas advised this was an outside-funded position.

MOTION TO APPROVE ITEM 2C MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

- D. Cooperative Education Contract with Adriana Sonia Murillo from February 24, 2006 through February 23, 2007, for the El Paso Public Library.
- E. Undergraduate Intern Contract with Martha Dukes from February 27, 2006 through December 31, 2006, for the Municipal Clerk.
- F. Six (6) Contracts (4 Personal Services, 2 Independent) for the Museum of Art:
 - 1. Cedillo, Orlando, Museum Development Assistant, 04/01/06-03/31/07
 - 2. Fields, Kristin, Museum School Coordinator, 03/11/06-03/10/07

MOTION TO APPROVE ITEM 2F-2 MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

- 3. McCarden, Kimberly, Museum Development Assistant, 04/01/06-03/31/07

Commissioner Gezelius asked if this was a classified position.

Alice Duchouquette from the Museum stated that the funds for this position came from the membership restricted fund.

MOTION TO APPROVE ITEM 2F-3 MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER PEÑA AND UNANIMOUSLY PASSED.

- 4. Ruvalcaba, Elizabeth, Museum Store Sales Clerk, 03/06/06-03/05/07
- 5. Leyva, Yolanda Chavez, Hispanic History Consultant, 02/24/06-06/15/06
- 6. Price, Phyllis Phylliss Lane, Exhibit Text Writer, 02/24/06-06/15/06 (correction)
- G. Undergraduate Intern Contract with Marcella Dominguez from February 20, 2006 through August 20, 2006, for Museums and Cultural Affairs Department.
- H. Personal Services Contract with Cruz Garcia to perform the duties of Park Project Review Coordinator from March 14, 2006 through March 13, 2007, for Parks & Recreation.

Commissioner Gezelius wondered about the funding for this position.

Daryl Cole, Street Department Director, said he couldn't speak for the Parks Department but stated he knew that Mr. Garcia's funding was part of the 2004 Quality of Life bond election.

MOTION TO TABLE ITEM 2H MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER BOURESLAN AND PASSED BY A VOTE OF 6 TO 1.

Ayes: Commissioners Peña, Graham, Martinez, Gezelius, Boureslan, Scott

Nays: Commissioner Ruck

- I. Personal Services Contract with Richard Campbell to perform the duties of Construction Inspection Manager from March 1, 2006 through March 1, 2007, for the Street Department.

Commissioner Gezelius asked for the justification for the contract versus hiring a classified employee.

Daryl Cole, Street Department Director, stated that the position was a result of the 2004 bond election. He added that the contractor was a retired City employee and the pay he was getting was less than what he was making when he was working for the City.

MOTION TO APPROVE ITEM 2I MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

3. Notice of Promulgation of Eligible Lists:

- A. Rideshare Program Coordinator = Promulgated 02/08/06 (P-1)(O-1)
- B. Civil Engineer III = Promulgated 02/02/06 (P-1)(O-2)

4. For Notation and if appropriate, assignment of Hearing Examiner: Request(s) to have appeal(s) heard in accordance with Article 21 of the Collective Bargaining Agreement between the City and the El Paso Municipal Police Officers Association.

Jurado, Zina – Suspension – CP05-143

5. Discussion and Action on request to have name placed on Transfer List:

- A. Chairez, Raul – Labor Foreman I – Street Department
- B. Nazariaga, Dora – Information Entry Operator – Municipal Clerk
- C. Olivas, Josephine – Secretary III – Municipal Clerk

6. Discussion and Action on Request for Temporary Promotion:

Paz, Beatriz – Municipal Court
 From: Cashier II
 To: Collection Supervisor

7. Discussion and Action on Approval of Hearing Officer’s Invoice:

- A. Palafox, Patricia – Dated 02/12/06 for December 2005
- B. Palafox, Patricia – Dated 02/12/06 for January 2006

8. Discussion and Action on Request for Extension of Eligible Lists for an additional six months:

- A. Building Maintenance Supervisor Extended through 09/13/06
- B. Grant Technician Extended through 09/07/06
- C. Laborer Extended through 08/28/06

REGULAR AGENDA

Items 1, 2B, 2C, 2F-2, 2F-3, 2H and 2I were addressed here.

9. *Item Not Used*

- 10. A. Discussion and action on probationary evaluation given to Ziad Al-Dasouqi, P.E. on June 14, 2005. (Tabled 01/26/06)

Chair Ellis stated that he noted that the overall rating was Meets Minimum Standards and wondered how if this employee was meeting the minimum standards, why he did not pass probation.

Rick Conner, stated that with the guidance of the HR Director at that time, he did his best to accommodate the employee. Mr. Conner also commented that at the last meeting he told the Commission that Mr. Al-Dasouqi had seen the notes reference his performance. He said that after speaking with Mr. Al-Dasouqi he believed Mr. Al-Dasouqi was 100% correct and sincere when he told the Commission he had not seen the notes. Mr. Conner also said he believed he had given the document to Mr. Al-Dasouqi.

Assistant City Attorney Lupe Cuellar said there could be a problem with the words “meets minimum standards” and the definition. She said their definition for Meets Minimum Standards was “performance below the desired level.” She said they might need to clear up the definition if the Commission didn’t think it was clear enough. Also, she believed the Department Heads needed guidance, if they believed a

person was not going to pass a probationary period, then "meets minimum standards" was not the appropriate rating to give them.

Ellen Smyth, Environmental Services Director, stated that Mr. Al-Dasouqi was transferred to her department as a Civil Engineer IV.

Commissioner Boureslan asked if Mr. Conner had discussed the evaluation with the acting City Engineer. He also stated that they were discussing the validity of an evaluation that was not done in a correct manner.

Ms. Thomas reminded the Commission that at the last meeting she told them that the rule pertaining to performance evaluations and the performance evaluation manual had conflicting information. At that time it was pointed out that the rule is the ruling document. Since that time Ms. Thomas has brought a revision to the performance evaluation manual before the Commission and since then they have instituted where there has to be a reviewer and a rater. She said that had not been the practice up until that time. She said that she has instructed her data section to look at performance evaluations being received to ensure that there is a rater and a reviewer. Ms. Thomas said she has also talked to Department Heads when she has seen something amiss. She assured the Commission that Human Resources was looking at Performance Evaluations more closely when received.

Irene Ramirez who was the Acting City Engineer stated she didn't remember specifically discussing each position and who was supervising the positions directly. She stated that when she became the acting City Engineer there was no Assistant Director so all the divisions were reporting directly to Mr. Conner.

Discussion.

Chair Ellis believed the evaluation was flawed in various respects. He believed it was a matter of looking at the evaluation and deciding whether or not it should be reformed as to comply with the rule. He stated that it would be an abdication of their responsibility to do nothing.

Assistant City Attorney Lupe Cuellar told the Commission that it would not be an abdication of their responsibility because Rule 14.7 does not allow for appeals of probationary performance evaluations. This is a rule approved by Civil Service Commission and by City Council. She didn't believe the Commission had jurisdiction to review a probationary performance evaluation.

Chair Ellis said that the Commission's authority existed under the provisions of Article VI, Section 6.1 of the Charter.

Mr. Ziad Al-Dasouqi thanked the Commission for reviewing this matter, he thanked the Commissioners for their time and stated that he appreciated the existence of the Civil Service Commission. He said that all he was looking for was to be treated in a fair manner.

MOTION TO SEND THIS ISSUE BACK TO THE CITY MANAGER, DEPUTY DIRECTOR, BOTH DEPARTMENT HEADS AND MR. AL-DASOUQI FOR DISCUSSION AND TO COME UP WITH A SOLUTION FOR THE PROBLEM MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER GRAHAM AND PASSED BY A VOTE OF 5 TO 2.

Ayes: Commissioners Peña, Graham, Martinez, Gezelius, Boureslan

Nays: Commissioner Scott, Ruck

MOTION THAT A REPORT BE SUBMITTED TO THE COMMISSION BY MS. SMYTH AFTER THE ABOVE MEETING TAKES PLACE, TO BE PLACED ON THE MARCH 23, 2006 AGENDA, MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

- B. Discussion and action on probationary evaluation given to Mr. Jose V. Garcia on November 16, 2004. (Tabled 01/26/06)

MOTION TO DELETE ITEM 10B MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER PEÑA AND UNANIMOUSLY PASSED.

MOTION TO ADJOURN TO EXECUTIVE SESSION MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

The Commission retired into Executive Session at 8:03 p.m. to discuss Item 11, and reconvened for Open Session at 8:38 p.m.

MOTION TO ADJOURN EXECUTIVE SESSION AND RETURN TO REGULAR SESSION MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER BOURESLAN AND UNANIMOUSLY PASSED.

11. Discussion and Action on Appeal of Disqualification to take Examination and/or Removal of Name from Eligible List in accordance with C.S.C. Rules and Regulations:

Gatling, Matthew – Police Officer (8.1.d.4.)

The matter was discussed in Executive Session. The following action was taken in Open Session.

MOTION TO TABLE ITEM 11 TO AWAIT A PENDING DOCUMENT MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER BOURESLAN AND PASSED BY A VOTE OF 4 TO 3.

Ayes: Commissioners Peña, Martinez, Gezelius, Boureslan

Nays: Commissioner Graham, Scott, Ruck

12. Discussion and Action regarding new classifications and compensation for all positions within the Executive Compensation Plan and the Professional/Managerial Compensation Plan pursuant to the Classification and Compensation Study completed by the Human Resources Department.

Joyce Wilson, City Manager, stated that the salary range for approximately 90 percent of the employees in these classes (PM and EX) will go up and about 434 employees will be impacted. Of those 434 employees, approximately 41 percent will be below the first step of their new range. Of that 41 percent, approximately 178 employees will with the exception of 20 are in the PM class. Ms. Wilson told the Commission that Ms. Thomas was going to be submitting proposed language for the equivalencies since the Commission was concerned about substituting experience for education. Ms. Wilson also told the Commission that there were several employees with concerns on their specific reclassifications. She stated that if those concerns were not resolved she hoped a committee of the Commission would hear the employees' concerns in order to submit the complete Classification Plan to City Council.

Linda Thomas addressed the Commission reference their concern over the Engineering Section Chief position. She said there is only one position within the City at the El Paso Water Utilities. They were probably going to delete the classification so they needed to place the incumbent in another position within the classification plan.

Laurel Indalecio, Library employee, stated that she was one of the persons appealing the reclassification. She told the Commission that three people in her section were appealing and had only been allowed four hours to come up with the information for their appeals. She stated that her research showed that her position had been downgraded significantly.

Ms. Wilson stated that the Commission was being asked to approve the plan as presented tonight with the exceptions of the outstanding individual items that needed to be resolved because the employees have concerns and the Engineering item as well. Once the Commission hears these cases and rules on them, then the plan will be amended and the complete plan will be presented to City Council for approval.

Ms. Thomas told the Commission that as an addendum to the plan she might be submitting another position. She said the EPWU has a requirement for a homeland security position.

A committee consisting of Commissioners Peña, Gezelius, Scott and Ellis was assigned to hear the mentioned employee concerns.

MOTION TO APPROVE ITEM 12 AS AMENDED MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER PEÑA AND UNANIMOUSLY PASSED.

- 13. Discussion and Action on request filed by George Myers on behalf of Lilia Hernandez requesting case 06-SM-02CB be reassigned to another Hearing Officer to ensure a fair and unbiased hearing due to Ms. Borunda previously working for the City Attorney's Office and representing Sun Metro.

Mr. George Myers said he was concerned that this case was assigned to Hearing Officer Chris Borunda when in the past Ms. Borunda was an assistant city attorney and represented Sun Metro. He believed she should be disqualified from hearing any appeals from Sun Metro because it would not be a fair hearing.

Elaine Hengen, Assistant City Attorney, said Ms. Borunda performed work to represent all departments for the City at that time. Ms. Hengen said that attorneys work zealously to represent their clients in every particular case and when they do they base it on the facts and the law, therefore, she believed it was unfair to think that Ms. Borunda would be unfair because of who she had represented in the past.

Commissioner Graham mentioned that the problem might be a perception of unfairness in this particular case because of the situation. The perception that the Hearing Officer might not be fair and impartial is something to think about.

Discussion.

MOTION TO DENY ITEM 13 MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER BOURESLAN AND PASSED BY A VOTE OF 5 TO 2.

Ayes: Commissioners Peña, Martinez, Gezelius, Boureslan, Scott

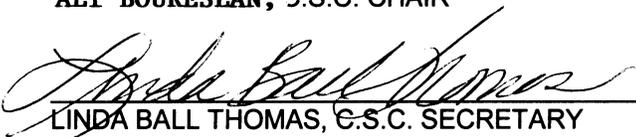
Nays: Commissioner Graham, Ruck

THERE BEING NO FURTHER BUSINESS BEFORE THE COMMISSION, A MOTION TO ADJOURN WAS MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

THE MEETING ADJOURNED AT 9:05 P.M.



 ALI BOURESLAN, C.S.C. CHAIR



 LINDA BALL THOMAS, C.S.C. SECRETARY

04-13-06

 DATE APPROVED